

**AGENDA**  
**REGULAR MEETING OF PLANNING AND ZONING COMMISSION**  
**IN THE COUNCIL CHAMBERS – 81 ELKHORN ROAD, CITY OF SUN VALLEY, IDAHO**  
**May 24 – 9:00 AM**

**CALL TO ORDER**

**CONSENT AGENDA** – *All items listed under the Consent Agenda will be approved in one motion without discussion unless any Committee Member request that the item be removed for individual discussion and possible action.*

1. Draft minutes from the Planning & Zoning Commission Meetings on February 15, March 22, and May 10, 2018.

**ACTION/DISCUSSION/STAFF REPORTS**

2. **Ordinance 526:** Ordinance Amending Title 7, Chapter 4, Section 5 of the Sun Valley Municipal Code regarding new or reconstructed driveways and approaches within City right-of-way. Applicant: City of Sun Valley initiated.
3. **Ordinance 527:** Ordinance Amending Title 8, Chapter 1, Section 2 of the Sun Valley Municipal Code regarding amendments to the 2012 International Fire Code. Applicant: City of Sun Valley initiated.

**ADJOURNMENT**

*Please Note: The agenda is subject to revisions.*  
*Anyone needing assistance to attend or participate should contact Sun Valley City Hall prior to the meeting at 208-622-4438. Committee packets are available online at [www.sunvalleyidaho.gov](http://www.sunvalleyidaho.gov)*

**Minutes of the Planning and Zoning Commission  
February 15, 2018**

The Planning and Zoning Commission of the City of Sun Valley, Blaine County, State of Idaho, met in regular session in the Council Chambers of Sun Valley City Hall on February 15, 2018 at 9:00 AM

**CALL TO ORDER**

Chairman Herich called the meeting to order at 9:00 AM at 203 Prospector Road, Sun Valley, Idaho. After a brief site visit, the meeting reconvened at 9:37 AM, in Council Chambers, Sun Valley City Hall.

Present: Chairman Ken Herich, Vice Chairman Sherri Newland, Commissioner John O'Connor, and Commissioner Bill Boeger.

Absent: None.

**CONSENT AGENDA**

1. **Draft minutes from the Planning & Zoning Commission Meetings on August 17, 2017, August 24, 2017 and September 28, 2017**

There were a few corrections noted and the minutes were then recommended for approval.

**MOTION**

Commissioner O'Connor moved to approve draft minutes from the Planning & Zoning Commission Meetings on August 17, 2017, August 24, 2017 and September 28, 2017, seconded by Vice Chairman Newland. All in favor. The motion carried unanimously.

**ACTION/DISCUSSION/STAFF REPORTS**

2. **Design Review (DR) 2017-215: Application for approval of a 1,705 sf addition to an existing 1,853 sf single-family residence. Applicant: Scott Prentice Architects, for Scott Prentice & Glenda Rovello. Location: 215 Bitterroot Road, Trail Creek Subdivision Lot 21**

Community Development Director Ternet mentioned that the architect was here and ready to discuss the application. Scott Prentice, applicant and owner, spoke regarding the project. He is asking for design review approval of a 1,705 sf addition to an existing 1,853 sf single-family residence. The Commission asked a few questions regarding the roofing materials, the heating source and where the existing meters were located, to which Prentice explained. Newland asked if there was adequate snow storage to which Prentice confirmed.

Herich opened the public hearing at 9:58 AM. Hearing no comment, he closed the public hearing at 9:58 AM.

Newland mentioned that she would like to see a condition of approval added to make sure the utilities are screened from the street.

**MOTION**

Commissioner O'Connor moved to approve Design Review (DR) 2017-215: Application for approval of a 1,705 sf addition to an existing 1,853 sf single-family residence pursuant to the Findings of Fact, including: Condition No. 10. Utilities shall be screened so they are not visible from the street; and

Condition No. 11. Mechanical flues shall be screened, side vented or put in a chimney chase if they penetrate the roof. The motion was seconded by Vice Chairman Newland. All in favor. The motion carried unanimously.

**3. [Design Review \(DR\) 2018-001: Application for approval of a new 7,401 sf single-family residence on a vacant lot. Applicant: Ben Young Landscape Architects, for Woody & Carlyne Cullen. Location: 203 Prospector Road, Prospector Subdivision #2, Lot 1A 3.1](#)**

Herich mentioned that we had a site visit this morning and Ternet then asked the applicant to present. Chase Gouley, landscape architect for the applicant, gave a presentation of the landscape plan. He discussed the building envelope and the 25% slope. He further discussed the driveway and mentioned that Code Enforcement Official Black asked that he widen the driveway to 25 feet, to which they agreed. He then went on to discuss the proposed materials for the decks, the outside flooring material and the planting plan. Gouley also explained the landscape lighting plan.

Peter Zimmerman of Peter Zimmerman Architects spoke regarding the location of the building site and mentioned that this is the tightest envelope they've ever worked in. He went over the design of the project in detail, including the lighting and the materials proposed.

Herich opened the public hearing at 11:10 AM.

Jeffrey Williams, architect representing the neighbor across the street, 202 Prospector Road, spoke. He mentioned the landscape plan and asked about the change in tree height. Gouley replied that he will submit the updated plan that will include the smaller height in trees.

John Coyne, 204 Prospector, spoke. A problem they see is the secondary driveway. He believes that the headlights will be shining into his house as they pull out at night.

Hearing no further comment, Herich closed the public hearing at 11:18 AM.

Gouley suggested to the Commission that they allow us to bump into the 25% slope, then the driveway would be in compliance as they could extend it. Herich mentioned that on 2/10/18, we received a letter from the Coyne family from 204 Prospector that listed several items that they were worried about including screening. Black mentioned that this is a tough place to fight a fire. He doesn't envision more than 2 trucks being up there. He then went on to mention the location of the stand pipe. The Commission discussed the details and went through the conditions of approval in great detail. The new language and changes are as follows:

Conditional of Approval No. 1: Prior to issuance of building permit(s) for the proposed project, an encroachment permit for proposed landscaping in the City right-of-way shall be applied for through the City Community Development Department. The City shall not be liable for maintenance of proposed landscaping within City right-of-way adjacent to Prospector Road, nor shall the City be liable for any damages which may occur to landscaping in City right-of-way as result of regular City street maintenance activities. No boulders, pavers, or lighting fixtures may be placed within the proposed landscaping area within City right-of-way adjacent to Prospector Road. The proposed landscaping area within City right-of-way adjacent to Prospector Road shall not include trees that exceed 15 feet in height

at full maturity. Revised plans shall be submitted for approval by the Community Development Department attached to an encroachment permit prior to the issuance of any building permit(s) for the subject property.

Condition of Approval No. 2: All construction-related parking and staging areas must be located off of pavement of Prospector Road, as indicated on the project's construction management plan. Leveling of areas for construction vehicle parking on-site shall be required, and off-site parking and shuttle service may be required, to ensure construction vehicle parking is available off of pavement of Prospector Road. A revised construction management plan shall be submitted for approval to the Community Development Department prior to the issuance of any building permit(s) for the subject property.

Condition of Approval No. 6: Change it to say "chimneys," not "chimney."

Condition of Approval No. 8: Add a sentence at the end to state "[a]n address monument is proposed and will be submitted at a later date for approval by the Community Development Director."

Condition of Approval No. 17: Design Review approval is contingent upon resubmittal of site plans demonstrating no encroachment into southern property 15-foot setback. This may require that a portion of the northerly end of the house protrude outside the building zone identified on the plat and that a small portion of the house extend into the 25% slope, both of which are allowed through this approval. Revised site plans shall be submitted for approval to the Community Development Department prior to the issuance of any building permit(s) for the subject property.

Condition of Approval No. 18. A revised landscaping plan shall be required to demonstrate landscaping shall be placed adjacent to the northeastern boundary of the structure to appropriately screen the garage area from Prospector Road and neighboring properties. A revised landscaping plan shall be submitted for approval to the Community Development Department prior to the issuance of any building permit(s) for the subject property.

Condition of Approval No. 19. The proposed secondary driveway access from Prospector Road as included in the original site plans shall not be allowed as it does not meet code. Revised site plans shall reflect this condition. Revised site plans shall be submitted for approval to the Community Development Department prior to the issuance of any building permit(s) for the subject property.

Condition of Approval No. 20. Site landscape lighting as proposed shall comply with the City's exterior lighting regulations, specifically in regard to their orientation of the proposed pathway lighting. All lighting shall be downcast and fully shielded.

#### **MOTION**

Commissioner Boeger moved to approve Design Review (DR) 2018-001: Application for approval of a new 7,401 sf single-family residence on a vacant lot pursuant, pursuant to the Findings of Fact and Conditions of Approval as modified by the Commission herein, seconded by Commissioner O'Connor. All in favor. The motion carried unanimously.

4. [Comprehensive Plan Amendment \(CMA\) 2017-002: Reconsideration of application to amend the City of Sun Valley Comprehensive Plan Future Land Use Map to re-designate two areas, an approximately 0.5-acre portion and an 0.9-acre portion of parcel RPSVE000000340, from Open Space to Recreational land use designation. No change in use is proposed with the re-designation action. Applicant: Benchmark Associates on behalf of Sun Valley Elkhorn Association. Location: Adjacent to Elkhorn Road/Sunrise Drive.](#)

Ternet mentioned that this agenda item was discussed at the last meeting, but the Commission wasn't comfortable with it procedurally. Thus, staff has brought this back before the Commission and there are now 2 actions before the Commission.

Herich opened the public hearing 12:25 PM. Hearing no comment, he closed the public hearing at 12:25 PM.

#### **MOTION**

Commissioner Boeger moved to recommend to City Council approval of Comprehensive Plan Amendment (CMA) 2017-002: Reconsideration of application to amend the City of Sun Valley Comprehensive Plan Future Land Use Map to re-designate two areas, an approximately 0.5-acre portion and an 0.9-acre portion of parcel RPSVE000000340, from Open Space to Recreational land use designation, seconded by Commissioner O'Connor. All in favor. The motion carried unanimously.

5. [Zoning Map Amendment \(ZMA\) 2017-013: Reconsideration of application to rezone an approximately 0.5-acre portion and a 0.9-acre portion of parcel RPSVE000000340 from Open Space \(OS\) Zoning District to Recreation \(REC\) Zoning District. No change in use is proposed with the rezoning action. Applicant: Benchmark Associates on behalf of Sun Valley Elkhorn Association. Location: Adjacent to Elkhorn Road/Sunrise Drive.](#)

Herich opened the public hearing at 12:26 PM. Hearing no comment, he closed the public hearing at 12:26 PM.

#### **MOTION**

Commissioner O'Connor moved to recommend to City Council approval of Zoning Map Amendment (ZMA) 2017-013: Reconsideration of application to rezone an approximately 0.5-acre portion and a 0.9-acre portion of parcel RPSVE000000340 from Open Space (OS) Zoning District to Recreation (REC) Zoning District, seconded by Commissioner Boeger. All in favor. The motion carried unanimously.

Newland mentioned that we may have missed something regarding DR-2017-215 with respect to a deck being potentially in the setback. Ternet said he would check in to it.

#### **ADJOURNMENT**

#### **MOTION**

Commissioner O'Connor moved to adjourn, seconded Commissioner Boeger. All in favor. The motion carried unanimously.

The meeting adjourned at 12:46 PM.

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Ken Herich, Chairman

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Nancy Flannigan, City Clerk

**Minutes of the Planning and Zoning Commission**  
**March 22, 2018**

The Planning and Zoning Commission of the City of Sun Valley, Blaine County, State of Idaho, met in regular session in the Council Chambers of Sun Valley City Hall on March 22, 2018 at 9:15 AM.

**CALL TO ORDER**

Chairman Herich called the meeting to order at 9:00 AM at 404 Fairway Loop, Sun Valley, Idaho. The meeting reconvened at 9:15 AM, in Council Chambers, Sun Valley City Hall.

Present: Chairman Ken Herich, Vice Chairman Sherri Newland, Commissioner John O'Connor, and Commissioner Bill Boeger.

Absent: None.

**CONSENT AGENDA**

1. **[Draft minutes from the Planning & Zoning Commission Meetings from October 19, 2017 and October 20, 2017](#)**

After a few corrections were noted, the minutes were recommended for approval.

**MOTION**

Commissioner O'Connor moved to approve the October 19 and 20, 2017 Planning & Zoning Commission Meeting Minutes, seconded by Commissioner Boeger. All in favor. The motion carried unanimously.

**ACTION/DISCUSSION/STAFF REPORTS**

2. **[Design Review \(DR\) 2018-027: Application for approval of a new 3,010 square foot square foot single-family residence and 1,052 square foot accessory dwelling unit on a vacant lot. Applicant: Point Architects, for Vincent Sisilli. Location: 404 Fairway Loop, Fairway Subdivision, Lot 11A](#)**

Community Development Director Ternet mentioned that the applicant has been great to work with. Gary Storey for Storey Construction, spoke about the application. The Commission had questions on the plans that included the outdoor fireplaces, the driveway, the lighting and the utilities to which Storey explained.

Herich opened the public hearing at 9:34 AM.

Dan Vallimarescu, 401 Fairway Loop, spoke. He wanted to welcome his new neighbor and went on to ask about the construction schedule as his daughter is getting married on July 31st. He is asking for construction to be limited during this time.

Hearing no further comment, Herich closed the public hearing at 9:34 AM.

Newland mentioned a few conditions of approval that mentioned should be added, including an encroachment permit and a condition about screening. She would also like to add that the applicant be

required to pull an encroachment permit. After further discussion among the Commission, the following Conditions of Approval were added:

No. 14. Prior to the issuance of building permit(s) for the proposed project, an encroachment permit shall be submitted to the Community Development Department for all paver driveway approaches in the City right-of-way.

No. 15. All overhangs extending into the ten-foot setback shall comply with code.

No. 16. All external utilities shall be screened from public view.

#### **MOTION**

Commissioner O'Connor moved to approve Design Review (DR) 2018-027: Application for approval of a new 3,010 square foot square foot single-family residence and 1,052 square foot accessory dwelling unit on a vacant lot, with the addition of certain conditions of approval as stated above, seconded by Commissioner Boeger. All in favor. The motion carried unanimously.

3. [Ordinance 525 Repealing Ordinance 474: Ordinance repealing a section of Ordinance 474 Amending Title 8, Chapter 1, Section R of the Sun Valley Municipal Code regarding automatic sprinkler system requirements. Applicant: City of Sun Valley initiated.](#)

Ternet mentioned that Code Enforcement Official Black will comment regarding this. Black mentioned that part of the Sun Valley Municipal Code which relates to the 2012 International Code was inadvertently deleted when it was updated in 2015. He would like to get that language reinserted to be consistent with what we have been enforcing all along.

#### **MOTION**

Commissioner O'Connor moved to recommend to Council approval of Ordinance 525 Repealing Ordinance 474, as amended by adding "2012" in front of "International Code" in the text of the Ordinance. The motion was seconded by Commissioner Boeger. All in favor. The motion carried unanimously.

4. [Outdoor fireplace Discussion](#)

Black mentioned problems with embers and went on to discuss the ways in which to reduce fire events. O'Connor mentioned that maybe we should add doors or screens as a requirement. Herich mentioned that outdoor fireplaces can be designed to reduce risk. Ternet mentioned that he could work with the fire department to come up with a comprise.

Future meeting dates were discussed including upcoming agenda items.



**ADJOURNMENT**

**MOTION**

Commissioner O'Connor moved to adjourn, seconded by Commissioner Boeger. All in favor. The motion carried unanimously.

The meeting adjourned at 10:27 AM.

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Ken Herich, Chairman

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Nancy Flannigan, City Clerk

**Minutes of the Planning and Zoning Commission  
May 10, 2018**

The Planning and Zoning Commission of the City of Sun Valley, Blaine County, State of Idaho, met in regular session in the Council Chambers of Sun Valley City Hall on May 10, 2018 at 9:00 AM.

**CALL TO ORDER**

Herich called the meeting to order at 9:00 AM.

Present: Chairman Ken Herich, Commissioner John O'Connor, and Commissioner Bill Boeger (via telephone).

Absent: Vice Chairman Sherri Newland

**MOTION**

Commissioner O'Connor moved to move Agenda Items 4 and 5 to a date certain of May 24, 2018, seconded by Commissioner Boeger. All in favor. The motion carried unanimously.

**ACTION/DISCUSSION/STAFF REPORTS**

1. **Subdivision Preliminary Plat Application 2018-064: Application for approval of a lot line adjustment. Applicant: Benchmark Associates, for Black. Location: 109 & 111 Grey Eagle, June Day Subdivision, Lots 10 & 11.**

Community Development Director Ternet mentioned that staff is recommending approval of this lot line adjustment.

Boeger mentioned that there is a typo in the findings of fact in the first paragraph. Instead of it describing the adjustment as 66,211 sq. ft, it should say 3,485 sq. ft.

**MOTION**

Commissioner O'Connor moved to recommend approval to the City Council of Subdivision Preliminary Plat Application 2018-064: application for approval of a lot line adjustment pursuant to the findings of fact, and correct the typo as noted, seconded by Commissioner Boeger. All in favor. The motion carried unanimously.

2. **Subdivision Final Plat Application 2018-065: Application for approval of a final plat. Applicant: Benchmark Associates, for Elkhorn Springs, LLC. Location: 117 & 119 Senabi Lane, Elkhorn Springs: Golf Lodges Townhomes, Sublots 19 & 20.**

Herich mentioned that staff is recommending approval of this application.

Herich opened the public hearing at 9:04 AM.

John Seiller, on behalf of the three associations for Elkhorn Springs, spoke. He would like to request a condition. The plat has a note that incorporates the master declarations of the townhomes. It came to their attention that Dave Hennessy acquired the rights to build these townhomes from a prior owner. All the common areas associated with the CC&Rs in the plat note are actually still owned by Elkhorn Springs, LLC. The associations have asked the applicant to deed the common area over to the

associations and he has not yet done that.

Hearing no further comment, Herich closed the public hearing closed at 9:06 AM.

Garth McClure from Benchmark Associates, representing the applicant, spoke. He stated that he hasn't yet talked to his client about the issue mentioned by Seiller but he would like to move this application forward so it's fine with him either way. Herich then mentioned that he does not believe it is appropriate to add this condition as it is a private contract matter.

**MOTION**

Commissioner O'Connor moved to recommend approval to the City Council Subdivision Final Plat Application 2018-065: application for approval of a final plat, pursuant to the findings of fact, seconded by Commissioner Boeger. All in favor. The motion carried unanimously.

**3. [Encroachment Application 2018-02: Application for approval of encroachments within City right- of-way. Applicant: Mountain Rides.](#)**

Ternet noted that this agenda item is here because of direction provided by the City Council. Wally Morgus, Executive Director of Mountain Rides, spoke. He brought a sample of the proposed sign and believes they have done everything the City had asked of them. O'Connor asked whether there was lighting on these signs to which Morgus confirmed that there was not.

Herich opened the public hearing at 9:18 AM. Hearing no comments, he closed the public hearing at 9:18 AM.

Herich mentioned that he does not see why there is a need to change the posts to brown in Sun Valley. O'Connor mentioned that it was comments from the public and the City Council that precipitated this change. The Mayor mentioned that it is the intention of the City to have all our poles be brown (speed signs, etc.); the City is aiming for uniformity.

**MOTION**

Commissioner O'Connor moved to approve the encroachment permit for Mountain Rides, seconded by Commissioner Boeger. All in favor. The motion carried unanimously.

**4. [Ordinance 526: Ordinance Amending Title 7, Chapter 4, Section 5 of the Sun Valley Municipal Code regarding new or reconstructed driveways and approaches within City right-of-way. Applicant: City of Sun Valley initiated.](#)**

Moved to a date certain of May 24, 2018.

**5. [Ordinance 527: Ordinance Amending Title 8, Chapter 1, Section 2 of the Sun Valley Municipal Code regarding amendments to the 2012 International Fire Code. Applicant: City of Sun Valley initiated.](#)**

Moved to a date certain of May 24, 2018.

**ADJOURNMENT**

**MOTION**

Commissioner O'Connor moved to adjourn, seconded by Chairman Herich. All in favor. The motion carried unanimously.

Meeting adjourned at 9:30 AM.

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Ken Herich, Chairman

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Nancy Flannigan, City Clerk

**CITY OF SUN VALLEY  
PLANNING & ZONING COMMISSION  
STAFF REPORT**

**Project Name:** Ordinance 526

**Applicant:** City Initiated

**Application:** Amend Title 7, Chapter 5, Section 5 of Sun Valley Municipal Code Regarding New or Reconstructed Paver Driveways and Approaches within City Right of Way

**Project Description:** The proposed Ordinance 526 would amend Title 7, Chapter 5, Section 5 of the City's Municipal Code regarding new or reconstructed paver driveways and approaches within the City's right of way. The amended language is proposed as existing code language has proven to be problematic for both property owners, contractors, City staff, and City decision makers. The proposed amended language is therefore intended to provide clear direction on when an encroachment permit for a new or reconstructed driveway or approach is required.

The revision to this specific section would specify that an encroachment permit is only required for new or reconstructed, including those affected by road or path maintenance, driveways and approaches constructed of paver materials which may be inadvertently damaged from routine City road and pathway maintenance activities. The revision would also remove a requirement for a three feet (3') concrete, asphalt, or similar material extension between paver driveways and City roadways. Staff does not believe this requirement is necessary based on the specification that an encroachment permit shall be required for any paver driveway or approach extending to City roads or pathways. Furthermore, Staff recognizes the unappealing aesthetic appearance of a three foot gap of concrete or asphalt for paver driveways and approaches as is now required by City Code.

Title 7, Chapter 5, Section 5E currently reads:

E. New driveways and approaches within the city owned right of way shall require an encroachment permit.

1. Paver driveways shall not be extended to meet the roadway; the first three feet (3') of the driveway approach must be concrete, asphalt, or similar material to that of the adjacent road.
2. Existing paver driveways as of the date of adoption of this chapter are exempt from the permit requirements and standards of subsection E1, of this section, except in the applicability of subsection E3.
3. New or reconstructed paver driveways and approaches, including those affected by road or path maintenance, shall meet the intent of subsection E1 of this section.

Proposed changes to Title 7, Chapter 5, Section 5E are:

E. New paver driveways and approaches within the city owned right of way shall require an encroachment permit.

~~1. Paver driveways shall not be extended to meet the roadway; the first three feet (3') of the driveway approach must be concrete, asphalt, or similar material to that of the adjacent road.~~

~~2.1.~~ Existing paver driveways and approaches as of the date of adoption of this amended chapter are exempt from the permit requirements and standards of ~~subsection E1, of this section,~~ except in the applicability of ~~subsection E3~~2.

~~3.2.~~ New or reconstructed paver driveways and approaches, including those affected by road or path maintenance, shall meet the intent of ~~subsection E1 of this section.~~

**Noticing:** The Planning & Zoning Commission public hearing regarding the subject ordinance was duly noticed in accordance with Idaho State Statute 67-6507 and with Sun Valley City Code Title 9, Chapter 5 by: 1) publishing in the Idaho Mountain Express on April 25th, May 2nd, and 9th, 2018; 2) posting of the notice in five prominent public locations in the City; 3) mailing and emailing notice to applicable agencies and neighboring jurisdictions and emailing notice to interested parties; and, 4) posting of the public hearing materials at City Hall and on the City website.

**Recommendation:** Staff recommends the Planning and Zoning Commission recommend approval to the City Council of Ordinance 526 regarding new or reconstructed paver driveways and approaches within the city right of way.

**Recommended Motion:** "I move to recommend approval to the City Council of Ordinance 526."

**Alternative Actions:** Move to denial of the ordinance.

**Attachments:**

1. Draft Ordinance

**ORDINANCE NO. 526**  
**AN ORDINANCE OF THE CITY OF SUN VALLEY, IDAHO, AMENDING TITLE 7, CHAPTER 4, SECTION 5 OF**  
**THE CITY OF SUN VALLY MUNICIPAL CODE**

WHEREAS, the City of Sun Valley owns and maintains approximately twenty linear miles of right-of-way; and

WHEREAS the city holds that right-of-way in trust for the public use, including public travel, emergency access, snow storage, and the installation of public utilities; and

WHEREAS it is the responsibility of the city to ensure that safe passage, public safety, road maintenance, and snow removal are provided in a safe manner to the benefit of all residents and visitors;

THEREFORE BE IT ORDAINED, by the Mayor and Council of the city, as follows

SECTION 1: Title 7, Chapter 4 (Encroachments) of the city's Municipal Code shall be amended by removing struck-through text and adding underlined text as displayed below:

E. New paver driveways and approaches within the city owned right of way shall require an encroachment permit.

~~1. Paver driveways shall not be extended to meet the roadway; the first three feet (3') of the driveway approach must be concrete, asphalt, or similar material to that of the adjacent road.~~

~~2.1.~~ Existing paver driveways and approaches as of the date of adoption of this amended chapter are exempt from the permit requirements and standards of ~~subsection E1, of this section,~~ except in the applicability of subsection E3.2.

~~3.2.~~ New or reconstructed paver driveways and approaches, including those affected by road or path maintenance, shall meet the intent of ~~subsection E1 of this section.~~

**SECTION 2: REPEALER.** All previous ordinances, resolutions, orders, or parts thereof, are in conflict and are hereby repealed.

**SECTION 3: SAVINGS AND SEVERABILITY.** It is hereby declared to be the legislative intent that the provisions and parts of this ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION 4: EFFECTIVE DATE.** This ordinance shall be in full force and effect after its passage, approval and publication, according to law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

APPROVED:

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Peter M. Hendricks, Mayor

ATTEST:

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Nancy Flannigan, City Clerk

ORDINANCE NO. 526 - AN ORDINANCE OF THE CITY OF SUN VALLEY, IDAHO, AMENDING TITLE 7, CHAPTER 4,  
SECTION 5 OF THE CITY OF SUN VALLY MUNICIPAL CODE



**CITY OF SUN VALLEY  
PLANNING & ZONING COMMISSION  
STAFF REPORT**

**Project Name:** Ordinance 527

**Applicant:** City Initiated

**Application:** Amend Title 8, Chapter 1, Section 2 of Sun Valley Municipal Code Regarding Exterior Fireplaces

**Project Description:** The proposed Ordinance 527 would amend Title 8, Chapter 1, Section 2 of the City's Municipal Code regarding exterior fireplaces. The amended language would allow for use of solid fuel (i.e. wood) in exterior fireplaces on a case-specific basis as ultimately approved by the City of Sun Valley Fire Department. Existing code language specifically prohibits the use of solid fuel in any exterior fireplaces. The amended language is proposed as City staff and City decision makers have been questioned if certain provisions and precautions were taken, would the use of solid fuel be allowable. The proposed amended language is therefore intended to provide clear direction on when the use of solid fuel in an exterior fireplace may be allowable. However, the preference, as stated in proposed amended language, would continue to be for all exterior fireplaces within the city to be non-solid fuel burning.

Title 8, Chapter 1, Section 2-8 currently reads:

Section 307.4.3 is amended to require the following:

Non-temporary fire pits shall be constructed to burn non-solid fuel only. No solid fuel burning is permitted in permanent outdoor fireplaces.

Proposed changes to Title 8, Chapter 1, Section 2-8 are:

Non-temporary exterior fire pits fireplaces shall preferably be constructed to burn non-solid fuel only. New construction of exterior solid fuel non-temporary fireplaces, or conversion of non-solid fuel to solid fuel burning fireplaces, shall only be allowed if approved by the City of Sun Valley Fire Department.

Approval criteria may include, but not be limited to: proximity of structures, proximity of vegetation, installation of spark arrestor on fireplace, installation of enclosure doors on fireplace, dimensions of fire pit or fireplace, area of hardscape surrounding fire pit or fireplace, access to means of fire extinguishment, acknowledgment from property owner of fire requiring to be constantly attended, acknowledgement from property owner that fires must be completely extinguished at end of use, acknowledgement that property owner is liable for any fire damage resulting from the use of the fireplace.

Approval for new construction or conversion of an existing exterior fireplace shall occur through the City of Sun Valley design review application process, requiring Fire Department approval in addition to that of the Community Development Department. The Fire Department may provide approval based on required conditions of approval.

Portable outdoor fireplaces, permanent solid fuel burning fire pits, and temporary solid fuel fire pits shall not be allowed within the City. No solid fuel burning is permitted in permanent outdoor fireplaces.

**Noticing:** The Planning & Zoning Commission public hearing regarding the subject ordinance was duly noticed in accordance with Idaho State Statute 67-6507 and with Sun Valley City Code Title 9, Chapter 5 by: 1) publishing in the Idaho Mountain Express on April 25th, May 2nd, and 9th, 2018; 2) posting of the notice in five prominent public locations in the City; 3) mailing and emailing notice to applicable agencies and neighboring jurisdictions and emailing notice to interested parties; and, 4) posting of the public hearing materials at City Hall and on the City website.

**Recommendation:** Staff recommends the Planning and Zoning Commission recommend approval to the City Council of Ordinance 527 regarding exterior fireplaces and fire pits in the city.

**Recommended Motion:** "I move to recommend approval to the City Council of Ordinance 527."

**Alternative Actions:** Move to denial of the ordinance. Rephrase ordinance amendment language.

**Attachments:**

1. Draft Ordinance

**ORDINANCE NO. 527**  
**AN ORDINANCE OF THE CITY OF SUN VALLEY, IDAHO, AMENDING TITLE 8, CHAPTER 1, SECTION 2 OF**  
**THE CITY OF SUN VALLY MUNICIPAL CODE**

WHEREAS, the City of Sun Valley is a municipal corporation, duly organized and existing under the laws of the State of Idaho; and

WHEREAS, on February 11, 2015, when other changes were made to Section 8-1-2 of the Sun Valley Municipal Code amending the 2012 International Residential Code.

THEREFORE BE IT ORDAINED, by the Mayor and Council of the city, as follows

SECTION 1: Title 8, Chapter 1, Section 2 (Amendments to the International Fire Code) of the city's Municipal Code shall be amended by removing struck-through text and adding underlined text as displayed below:

Section 307.4.3 is amended to require the following:

Non-temporary exterior fire pits fireplaces shall preferably be constructed to burn non-solid fuel only. New construction of exterior solid fuel non-temporary fireplaces, or conversion of non-solid fuel to solid fuel burning fireplaces, shall only be allowed if approved by the City of Sun Valley Fire Department.

Approval criteria may include, but not be limited to: proximity of structures, proximity of vegetation, installation of spark arrestor on fireplace, installation of enclosure doors on fireplace, dimensions of fire pit or fireplace, area of hardscape surrounding fire pit or fireplace, access to means of fire extinguishment, acknowledgment from property owner of fire requiring to be constantly attended, acknowledgement from property owner that fires must be completely extinguished at end of use, acknowledgement that property owner is liable for any fire damage resulting from the use of the fireplace.

Approval for new construction or conversion of an existing fireplace shall occur through the City of Sun Valley design review application process, requiring Fire Department approval in addition to that of the Community Development Department. The Fire Department may provide approval based on required conditions of approval.

Portable outdoor fireplaces, permanent solid fuel burning fire pits, and temporary solid fuel fire pits shall not be allowed within the City. No solid fuel burning is permitted in permanent outdoor fireplaces.

**SECTION 2: REPEALER.** All previous ordinances, resolutions, orders, or parts thereof, are in conflict and are hereby repealed.

**SECTION 3: SAVINGS AND SEVERABILITY.** It is hereby declared to be the legislative intent that the provisions and parts of this ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid for any reason by a court

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of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION 4: EFFECTIVE DATE.** This ordinance shall be in full force and effect after its passage, approval and publication, according to law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

APPROVED:

\_\_\_\_\_  
Peter M. Hendricks, Mayor

ATTEST:

\_\_\_\_\_  
Nancy Flannigan, City Clerk

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